Nova Scotia Human Rights Commission
Annual Accountability Report for the Fiscal Year 2006-2007

December 21, 2007

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Accountability Statement

The accountability report of the Nova Scotia Human Rights Commission (NSHRC) for the year ended March 31, 2007 is prepared pursuant to the Provincial Finance Act and government policies and guidelines. These authorities require the reporting of outcomes against the NSHRC's business plan information for the fiscal year 2006-2007. The reporting of outcomes necessarily includes estimates, judgments and opinions by management of the NSHRC.

This accountability report is the responsibility of NSHRC management and is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the NSHRC's business plan for the year.

Hon. Cecil Clarke
Minister Responsible for the Human Rights Act

Michael Noonan
Acting Director and CEO

Message From the Acting Director and CEO

This document highlights efforts to promote transparency and enhance the effectiveness of the Nova Scotia Human Rights Commission (NSHRC). Key to the success of these efforts:

- Promoting systemic change through all aspects of the NSHRC's work..
- Expediting the processing of cases.
- Positioning the Commission as an expert on issues of inclusion and diversity for both the public and the government.

The Nova Scotia Human Rights Commission is an independent agency charged with administering the *Human Rights Act*, a provincial statute created in 1969.

During the 2006-2007 fiscal year, the NSHRC sought to position itself as an expert in the field of human rights. The NSHRC operates in a rapidly changing environment which requires resources to be dedicated to the ongoing development of staff. Constant review of practices and the allocation of resources is essential to meet the needs of the public we serve. This means:

- reviewing the efficiency of the complaint process and efforts to resolve allegations of discrimination;
- being open to new methods of dispute resolution which are culturally sensitive to a diverse client base;
- providing input to government on critical human rights issues facing Nova Scotia; and,
- enhancing the public education and outreach functions of the NSHRC.

The NSHRC will continue to focus on its efficiency and effectiveness as an organization and helping Nova Scotians to build a province which encourages participation and achievement for everyone.

I. Introduction

This document is based on the goals and priorities identified in the NSHRC's 2006-2007 business plan. The business plan is available on the NSHRC's website at http://gov.ns.ca/humanrights/accountability.htm.

The report will outline the progress made towards achieving the goals and priorities with a particular focus on the core businesses of *Resolving Complaints of Discrimination*, *Promoting Human Rights Through Education, Training and Affirmative Action Programs* and *Influencing the Development of Legislation and Policy by Government*. The NSHRC faced a number of challenges in meeting its budget targets during 2006-2007. They included costs associated with Boards of Inquiry, legal expenses associated with board hearings and costs associated with the recruitment of a new Director and Chief Executive Officer. Despite the financial challenges, however, service to the public was not compromised.

During 2006-2007, the NSHRC continued to take a leadership role in the promotion of an open society which embraces the many different backgrounds, beliefs, abilities and dreams of Nova Scotians. Major events were held in December 2005 to mark International Human Rights Day. Events took place simultaneously in Halifax, Sydney and at selected sites throughout the Annapolis Valley. The 10th annual Harmony Brunch was held in Halifax to celebrate the International Day for the Elimination of Racial Discrimination on March 21, 2007.

The NSHRC experienced a shift in leadership in September 2006 with the installation of former Director and CEO, Mayann Francis, as Lieutenant Governor of Nova Scotia and the appointment of Michael Noonan as Acting Director and CEO. A recruitment for a permanent CEO is expected to be completed during the 2007-2008 fiscal year.

In the following pages, information will be provided to report against the specific goals and priorities identified in the 2005-2006 business plan.

II. Progress and Accomplishments

In its 2005-2006 business plan, the Commission established the following strategic goals:

1. To promote efficient, effective and timely resolutions for complaints of discrimination..

2. To promote systemic change by developing new tools and resources which support the NSHRC's mandate to educate organizations and individuals about the impact of discrimination.

3. To help foster the development of a more equitable society and fair workplaces by effectively addressing discrimination in all its forms.

What follows is a brief report on major initiatives undertaken to achieve the priorities set by the Commission's core business areas in support of these goals.

Resolution of Complaints of Discrimination

- In cooperation with Mi'kmaq and other aboriginal communities, develop an aboriginal action plan to improve the services the NSHRC offers to these communities, particularly through the development of effective models of dispute resolution.
  - The NSHRC received the report on an action plan for resolving complaints from aboriginal people in Fall 2006. Briefings were conducted with key stakeholders and government officials in preparation for a public release of the report at a public forum in Fall 2007.

- Evaluate the effectiveness of the NSHRC's settlement initiative practices and its mediation roster.
  - A summary of client feedback was completed as of March 31, 2007 which outlined satisfaction rates with the mediation process by both complainants and respondents. Overall satisfaction rates stood at 75%. Roundtable sessions with members of the NSHRC's mediation roster continued to enable problem solving and the sharing of best practices.

- Ensure that priorities and strategic goals are reflected in performance management targets for staff and management.
  - The Acting Manager of Investigation and Compliance devoted a great deal of effort to the revision of performance targets for investigating officers. Work on incorporating priorities and strategic goals in performance targets will continue into the 2007-2008 fiscal year.

- Develop a strategic plan for the Investigation and Compliance Division to ensure ongoing change management and quality control.

- The strategic plan continued to be updated to reflect new operational and policy developments. It was used to set goals and priorities for the 2007-2008 business plan.

- Continue to evaluate the computerized case management system to improve the tracking and quality control of the complaint process.
  - A user working group continued to review concerns related to the functioning of the Human Rights Case Tracking System (HRCTS). The working group is chaired by the Project Manager and sets priorities for updates and improvements to the system. It also assists in testing changes made by the NSHRC's corporate IT support network.

- Round table discussions between investigation staff and legal counsel to enhance understanding of legal principles.
  - Staff met with legal counsel approximately once every six weeks during 2006-2007.

Promoting Human Rights Through Education, Training and Affirmative Action Programs

- Continue involvement with government, institutional and community partners to further develop linkages and forums for discussion and change.
  - The Partners Against Racism (PAR) committee continued to be a primary forum for this dialogue during 2006-2007. The PAR committee hosted two successful events for International Human Rights Day and the International Day for the Elimination of Racial Discrimination.

- Complete the recruitment process for additional staffing resources for the Race Relations and Affirmative Action Division to augment the NSHRC's education, training and affirmative action programs.
  - A full time program officer for training and affirmative action programs was hired during the 2006-2007 fiscal year.

- Continue to host an annual public forum on a protected characteristic in the *Act*, with a focus in 2006 on aboriginal issues.
  - The NSHRC postponed its public forum on aboriginal issues to Fall 2007 in order to coincide with the release of the action plan from the aboriginal framework report.

- Invite faith leaders to join together at Province House for the Commission's fifth "Day of Reflection".
  - Because of the focus on the Anne Frank exhibit during the fall and winter of 2006-2007, the Day of Reflection event was not held in November 2006.

- Promote the value of practicing inclusion to the business community using the NSHRC's "Champions for the Workplace" program to identify two new champions during 2006-2007 who would host a breakfast for their colleagues.
  - The NSHRC named it's first provincial government department as a Champion for the Workplace in May 2007 with the recognition of Communications Nova Scotia. A breakfast for communication companies, public servants and industry leaders was hosted at Royal Artillery Park in Halifax and included a presentation from Laura Lee Langley, Assistant Deputy Minister.

- Continue policy research and development in partnership with external organizations in emerging areas of human rights.
  - Work continued on a case study focused at systemic discrimination in cooperation with Dr. Marguerite Cassin of Dalhousie University. It is expected that the study will be ready for release during the 2007-2008 fiscal year.

- Continue the development of a Race Relations and Affirmative Action Division module as part of the NSHRC's computerized case management system.
  - Work on the case management system is highly dependent on the availability of staff support from the NSHRC's corporate IT support network. Due to difficulties related to staffing vacant positions, work on this module was delayed until the 2007-2008 fiscal year.

- Continue to review existing affirmative action agreements by implementing new guidelines for the process of review.
  - New guidelines for developing and renewing affirmative action agreements were approved during the Spring of 2007. These will be introduced to agreement signatories during the 2007-2008 fiscal year.

- Promote the NSHRC as a source of information and resources on human rights and compliance issues under the *Act* for employers and employees in the public, private, educational and not-for-profit sectors.
  - Requests for training an consultation on human rights matters continued to come to the NSHRC. In order to ensure that information and resources featured the most up-to-date data, a staff-led review of materials was begun which will be

completed by Fall 2007. A communication plan for promoting awareness of the NSHRC and its educational resources was completed and approved by coop student Anna Nibby Woods. Work on the Race Relations and Affirmative Action Division module in the computerized case management system will enhance the NSHRC's ability to respond effectively to these kinds of requests.

Influencing the Development of Legislation and Policy by Government

- Complete the recruitment of a Senior Policy Analyst.
  - The recruitment of the Senior Policy Analyst was delayed to allow time for more consideration and development of a policy analysis structure within the NSHRC. This position will be filled during the 2007-2008 fiscal year.

- Deliver presentations on trends and concerns to government and opposition caucuses in conjunction with the filing of the NSHRC's annual report.
  - Due to the shift in leadership at the NSHRC, production of an annual report was delayed. It is anticipated that this will be completed during the 2007-2008 fiscal year.

- Open dialogue with staff of Treasury and Policy Board to incorporate consideration of human rights implications into the process for developing legislative recommendations for Cabinet.
  - The NSHRC provided input to two amendments of provincial legislation with an impact on the Human Rights Act. These included the deletion of an exemption for mandatory retirement programs and the addition of a new section in the Act which would provide for the Canadian Human Rights Act to be the law in Nova Scotia for purposes of specific undersea cola mines designated by the provincial government. The elimination of the mandatory retirement exemption will take effect in July 2009 and the coal mine provision is expected to be proclaimed sometime during 2008.

- Continue to review the Act to ensure its effectiveness.
  - The NSHRC recommended a series of amendments to the Human Rights Act to the provincial government for consideration during the Fall 2007 sitting of the legislative assembly. The NSHRC will work with government officials to prepare the amendments for introduction into the legislature during the spring and summer of 2007.

III. Financial Results

N.S. Human Rights Commission		
	2006-2007 Estimate ($ thousands)	2006-2007 Actual ($ thousands)
Net Program Expenses	$1,987	$2,071
Salaries and Employee Benefits	$1,370	$1,426
Funded Staff (FTEs)	24	25.6

IV. Performance Measures

The measures in this report are from the Commission's 2006-2007 business plan. They represent outcomes identified to measure success in achieving the priorities set out in the NSHRC's core business areas.

Strategic Goal: To promote efficient, effective and timely resolutions for complaints of discrimination.

Outcome: **An efficient complaint handling process.**

Measure: ***Percentage of investigations completed within 12 months of receipt of complaint.***

What This Measure Tells the NSHRC?

For the public to have confidence in the NSHRC's ability to resolve human rights complaints the organization must be able to respond in as timely a manner as possible when allegations are brought forward. Significant delays in the complaint handling process can lead to more difficulty in reaching appropriate resolutions and may discourage individuals from bringing human rights concerns forward.

Where Is the NSHRC Now?

The NSHRC has made great strides in recent years to improve its complaint handling process. These have included a more formalized approach to mediation, the introduction of an Intake Team at the front end of the process to speed the assessment of complaints for jurisdiction and resolution and the use of technology to improve quality control of the process. During 2006-2007 the NSHRC adjusted its target in this area to more accurately reflect the level of success in achieving this goal. The revised targets are presented in the 2007-2008 business plan.

Where Does the NSHRC Want to Be in the Future?

The NSHRC will continue to look at the effectiveness of its assessment, investigation and resolution of human rights complaints.

Strategic Goal: To promote efficient, effective and timely resolutions for complaints of discrimination.

Outcome: **An efficient complaint handling process.**

Measure: ***Percentage of assessments completed within 4 weeks.***

What Does This Measure Tell the NSHRC?

To ensure that complaint processing is timely and effective, initial assessment of incoming complaints is needed. This helps to ensure that the option of early resolution through settlement initiatives is provided wherever needed and helps to redirect matters that do not fall under the Human Rights Act.

Where Is the NSHRC Now?

The NSHRC is on track to maintaining a 95% assessment rate within four weeks of receiving a public inquiry. To help achieve this target in the 2007-2008 fiscal year, a third Intake Assistant was added in February 2007.

Where Does the NSHRC Want to Be in the Future?

The NSHRC hopes to be able to refer more potential complaints to settlement initiative as the timely assessment of matters improves, leaving more time for serious issues of systemic discrimination be addressed by the investigation process.

Strategic Goal: To promote efficient, effective and timely resolutions for complaints of discrimination.

Outcome: **Effective settlement initiatives which resolve individual allegations and reflect the public interest.**

Measure: ***Success rate of cases which proceed to mediation***

What Does This Measure Tell the NSHRC?

The NSHRC is mandated under the Human Rights Act to promote settlement of complaints whenever possible. Early resolution of a complaint may help to preserve existing relationships and prevent futures acts of discrimination in a particular context.

Where Is the NSHRC Now?

The success rate of mediation continues to be high at the NSHRC. During the 2006-2007 fiscal year the percentage of mediations ending in agreement remained at 75%. With the addition of a mediation officer in the 2007-2008 fiscal year, the target of an 80% success rate in that year remains realistic.

Where Does the NSHRC Want to Be in the Future?

The NSHRC aims to have both a high rate of settlement and a high satisfaction rate with the process of mediation. This will help achieve the organization's mission of pro-actively addressing discrimination wherever it occurs in Nova Scotia.

Strategic Goal: To promote systemic change by developing new tools and resources which support the NSHRC's mandate to educate organizations and individuals about the impact of discrimination.

Outcome: **Commission seen as an authoritative source for information about human rights.**

Measure: ***Number of case studies published on an annual basis.***

What Does This Measure Tell the NSHRC?

In order to influence the development of a society which accepts difference and practices respect for human rights, the NSHRC must contribute to a healthy public debate on issues related to discrimination. A key means of fostering that debate is through research and the publication of discussion papers on current issues.

Where is the NSHRC Now?

Work has continued during 2006-2007 on a systemic discrimination case study with Dr. Marguerite Cassin of Dalhousie University. Based on statistics and information from the NSHRC's records, the study will be used as a tool for preparing employers to successfully address the institutional practices which may hinder progress by marginalized groups. The study is expected to be completed during the 2007-2008 fiscal year.

Where Does the NSHRC Want to be in the Future?

The NSHRC is seeking to enhance its policy and research capacities so that it continues to be a change agent within Nova Scotia.

Strategic Goal: To promote systemic change by developing new tools and resources which support the NSHRC's mandate to educate organizations and individuals about the impact of discrimination.

Outcome: **Commission seen as an authoritative source for information about human rights.**

Measure: ***Number of special events co-sponsored with external organizations.***

What Does This Measure Tell the NSHRC?

In order to build respect for human rights in Nova Scotia, the NSHRC must engage other organizations and individuals in a public dialogue regarding change. Convincing external organizations to work with the NSHRC on public events helps to achieve this purpose.

Where is the NSHRC Now?

Work continued during 2006-2007 to clarify and strengthen the mandate of the Partners Against Racism (PAR) committee, which organizes special events on human rights issues. A new

strategic plan and terms of reference for the PAR committee are expected to be in place during the 2007-2008 fiscal year.

Where Does the NSHRC Want to be in the Future?

The NSHRC aims to create an active network of partners to support its public education mandate.

Strategic Goal: To help foster the development of a more equitable society and fair workplaces by effectively addressing discrimination in all its forms.

Outcome: NSHRC seen as an expert in the fields of equity and managing inclusion.

Measure: ***Percentage of training and consultation requests accepted.***

What Does This Measure Tell the NSHRC?

A key component of the NSHRC's mandate is to promote positive change and respect for inclusion and equity in the wider community. In order to influence behaviour at the societal level, the NSHRC must find strategies for delivering training and education to work places and other organizations which face the challenges posed by enhanced diversity.

Where Is the NSHRC Now?

The NSHRC is working to meet its 2008-2009 targets for improving response levels to requests for consultation, training and education. Because of the departure of the Coordinator of Race Relations and Affirmative Action on a secondment to the Public Service Commission, time was consumed to search for a replacement for the incumbent during the 2006-2007 fiscal year. However, with an acting coordinator now in place, and plans for a comprehensive internal review of training resources and technology enhancements proceeding, the target continues to be realistic.

Where Does the NSHRC Want to Be in the Future?

The NSHRC has developed a reputation as a trainer of choice with respect to human rights and diversity issues. That reputation has led to request from outside its jurisdiction for training and consultation. The NSHRC is seeking to maintain and enhance that positive reputation and promote positive change in Nova Scotia.

Strategic Goal: To help foster the development of a more equitable society and fair workplaces by effectively addressing discrimination in all its forms.

Outcome: **NSHRC seen as an expert in the fields of equity and managing inclusion.**

Measure: ***Number of positive evaluations from pa 'icipants.***

What Does This Measure Tell the NSHRC?

In order for consultation, training and education to be successful, it must meet the needs and expectations of participants. The NSHRC has set a high benchmark for the satisfaction rates of participants to ensure its programs are of top quality and impact.

Where is the NSHRC Now?

Overall satisfaction rates have continued to be high during the 2006-2007 fiscal year. The Race Relations and Affirmative Action Division has collected evaluations from all of its sessions and the average response rate has already met the target for 2008-2009 of 80%. This measure will be revisited in the 2007-2008 business plan.

Where Does the NSHRC Want to be in the Future?

The reputation of the NSHRC's consultation, training and education programs helps to attract participants to such sessions and encourages organizations to explore their training options. With a high level of satisfaction being maintained the NSHRC anticipates more demand for its services in this area.

Strategic Goal: To help foster the development of a more equitable society and fair workplaces by effectively addressing discrimination in all its forms.

Outcome: **Public and private sector commitment to the values of Affirmative Action.**

Measure: ***Increase in the number of new Affirmative Action agreements.***

What Does This Measure Tell the NSHRC?

When employers are willing to place their commitment to diversity and inclusion into both policy and planning terms, measuring success becomes easier. Affirmative action agreements with the

NSHRC help to promote this kind of commitment among businesses and organizations in Nova Scotia.

Where is the NSHRC Now?

Work to re-evaluate the form of affirmative action agreements and the process for reviewing progress in implementing the agreements began during 2006-2007. This work will continue into 2007-2008.

Where Does the NSHRC Want to be in the Future?

With a more effective agreement format and better means of reviewing implementation, the NSHRC will be better placed to report on its progress with encouraging greater diversity in Nova Scotia's workplaces.

Strategic Goal: To help foster the development of a more equitable society and fair workplaces by effectively addressing discrimination in all its forms.

Outcome: Public and private sector commitment to the values of Affirmative Action.

Measure: Increase the number of "Champions for the Workplace" breakfasts.

What Does This Measure Tell the NSHRC?

Employment situations account for 80% of the human rights complaints brought to the NSHRC. That indicates that employers must take more responsibility for their workplace environments. The NSHRC can play a role in making that happen by recognizing employers who demonstrate an appreciation of human rights in the creation of healthy and productive workplaces.

Where Is the NSHRC Now?

Because of the shift in leadership to an Acting Director and CEO at the NSHRC, planning for more "Champions for the Workplace" events has been delayed. However, the NSHRC anticipates hosting two such breakfasts in the Spring of 2008.

Where Does the NSHRC Want to Be in the Future?

The NSHRC remains committed to recognizing up to four Champions during each fiscal year by 2008-2009.

Strategic Goal: To help foster the development of a more equitable society and fair workplaces by effectively addressing discrimination in all its forms.

Outcome: **Public and private sector commitment to the values of Affirmative Action.**

Measure: ***Percentage of Affirmative Action agreements renewed within the 5 year standard.***

What Does This Measure tell the NSHRC?

For affirmative action to be an effective agent for change in employment practices, accountability just be maintained. Timely and through reviews of progress are essential for this standard to me met.

Where is the NSHRC Now?

The work of the Race Relations and Affirmative Action Division to improve its affirmative action tool kit for employers continued during 2006-2007. It is expected that this work will be implemented during the 2007-2008 fiscal year.

Where Does the NSHRC Want to be in the Future?

Affirmative action agreements can help employers to compete for talent more effectively in a tights labour market. The NSHRC will continue to encourage the creation of healthier and more respectful workplaces using affirmative action practices.